

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Humane Care for Animals Act is amended by
5 changing Section 3.02 and by adding Section 3.09 as follows:

6 (510 ILCS 70/3.02)

7 Sec. 3.02. Aggravated cruelty.

8 (a) No person may intentionally commit an act that causes a
9 companion animal to suffer serious injury or death. Aggravated
10 cruelty does not include euthanasia of a companion animal
11 through recognized methods approved by the Department of
12 Agriculture unless prohibited under subsection (b) or (c).

13 (b) No individual, except a licensed veterinarian as
14 exempted under Section 3.09, may knowingly or intentionally
15 euthanize or authorize the euthanasia of a companion animal by
16 use of carbon monoxide.

17 (c) No individual may knowingly or intentionally euthanize
18 or authorize the euthanasia of a companion animal by any of the
19 following means:

20 (1) by means of placing the companion animal in a
21 decompression chamber and lowering the pressure of the
22 oxygen content in the air surrounding the animal; or

23 (2) by use of carbon dioxide.

1 (d) A person convicted of violating Section 3.02 is guilty
2 of a Class 4 felony. A second or subsequent violation is a
3 Class 3 felony. In addition to any other penalty provided by
4 law, upon conviction for violating this Section, the court may
5 order the convicted person to undergo a psychological or
6 psychiatric evaluation and to undergo any treatment at the
7 convicted person's expense that the court determines to be
8 appropriate after due consideration of the evaluation. If the
9 convicted person is a juvenile or a companion animal hoarder,
10 the court must order the convicted person to undergo a
11 psychological or psychiatric evaluation and to undergo
12 treatment that the court determines to be appropriate after due
13 consideration of the evaluation.

14 (e) Notwithstanding any other rulemaking authority that
15 may exist, neither the Governor nor any agency or agency head
16 under the jurisdiction of the Governor has any authority to
17 make or promulgate rules to implement or enforce the provisions
18 of this amendatory Act of the 95th General Assembly. If,
19 however, the Governor believes that rules are necessary to
20 implement or enforce the provisions of this amendatory Act of
21 the 95th General Assembly, the Governor may suggest rules to
22 the General Assembly by filing them with the Clerk of the House
23 and Secretary of the Senate and by requesting that the General
24 Assembly authorize such rulemaking by law, enact those
25 suggested rules into law, or take any other appropriate action
26 in the General Assembly's discretion. Nothing contained in this

1 amendatory Act of the 95th General Assembly shall be
2 interpreted to grant rulemaking authority under any other
3 Illinois statute where such authority is not otherwise
4 explicitly given. For the purposes of this amendatory Act of
5 the 95th General Assembly, "rules" is given the meaning
6 contained in Section 1-70 of the Illinois Administrative
7 Procedure Act, and "agency" and "agency head" are given the
8 meanings contained in Sections 1-20 and 1-25 of the Illinois
9 Administrative Procedure Act to the extent that such
10 definitions apply to agencies or agency heads under the
11 jurisdiction of the Governor.

12 (Source: P.A. 92-650, eff. 7-11-02.)

13 (510 ILCS 70/3.09 new)

14 Sec. 3.09. Carbon monoxide euthanasia by a licensed
15 veterinarian. A licensed veterinarian may euthanize a
16 companion animal in a commercially manufactured chamber by use
17 of compressed carbon monoxide. The veterinarian must be
18 physically present during the euthanasia process until death is
19 confirmed. The veterinarian must take the following steps when
20 using a gas chamber:

21 (1) Render a written opinion for each companion animal
22 including the following:

23 (A) a description of the animal including species,
24 color, age, sex, and microchip number if present.

25 (B) a signed and dated statement that the use of

1 compressed carbon monoxide is the most humane method of
2 euthanasia for this companion animal.

3 (2) Use a commercially manufactured chamber pursuant
4 to the guidelines set forth in the most recent report of
5 the AVMA Panel on Euthanasia. The interior of the chamber
6 must be well lit and equipped with view-ports, a regulator,
7 and a flow meter. Monitoring equipment must be used at all
8 times during the operation. Animals that are under 4 months
9 of age, old, injured, or sick may not be euthanized by
10 carbon monoxide. Animals shall remain in the chamber and be
11 exposed for a minimum of 20 minutes. Staff members shall be
12 fully notified of potential health risks.

13 (3) Only one companion animal may be euthanized at a
14 time.

15 Section 10. The Humane Euthanasia in Animal Shelters Act is
16 amended by changing Sections 35, 57, 65, and 90 and by adding
17 Sections 36, 66, and 91 as follows:

18 (510 ILCS 72/35)

19 Sec. 35. Technician certification; duties.

20 (a) An applicant for certification as a euthanasia
21 technician shall file an application with the Department and
22 shall:

23 (1) Be 18 years of age.

24 (2) Be of good moral character. In determining moral

1 character under this Section, the Department may take into
2 consideration whether the applicant has engaged in conduct
3 or activities that would constitute grounds for discipline
4 under this Act.

5 (3) Each applicant for certification as a euthanasia
6 technician shall have his or her fingerprints submitted to
7 the Department of State Police in an electronic format that
8 complies with the form and manner for requesting and
9 furnishing criminal history record information as
10 prescribed by the Department of State Police. These
11 fingerprints shall be checked against the Department of
12 State Police and Federal Bureau of Investigation criminal
13 history record databases now and hereafter filed. The
14 Department of State Police shall charge applicants a fee
15 for conducting the criminal history records check, which
16 shall be deposited in the State Police Services Fund and
17 shall not exceed the actual cost of the records check. The
18 Department of State Police shall furnish, pursuant to
19 positive identification, records of Illinois convictions
20 to the Department.

21 (4) Hold a license or certification from the American
22 Humane Association, the National Animal Control
23 Association, the Illinois Federation of Humane Societies,
24 or the Humane Society of the United States issued within 3
25 years preceding the date of application. Every 5 years a
26 certified euthanasia technician must renew his or her

1 certification with the Department. At the time of renewal,
2 the technician must present proof that he or she attended a
3 class or seminar that teaches techniques or guidelines, or
4 both, for humane animal euthanasia administered by the
5 American Humane Association, the National Animal Control
6 Association, the Illinois Federation of Humane Societies,
7 or the Humane Society of the United States.

8 ~~For a period of 12 months after the adoption of final~~
9 ~~administrative rules for this Act, the Department may issue~~
10 ~~a certification to an applicant who holds a license or~~
11 ~~certification from the American Humane Association, the~~
12 ~~National Animal Control Association, the Illinois~~
13 ~~Federation of Humane Societies, or the Humane Society of~~
14 ~~the United States issued after January 1, 1997.~~

15 (5) Pay the required fee.

16 (b) The duties of a euthanasia technician shall include but
17 are not limited to:

18 (1) preparing animals for euthanasia and scanning each
19 animal, prior to euthanasia, for microchips;

20 (2) accurately recording the dosages administered and
21 the amount of drugs wasted;

22 (3) ordering supplies;

23 (4) maintaining the security of all controlled
24 substances and drugs;

25 (5) humanely euthanizing animals via intravenous
26 injection by hypodermic needle, intraperitoneal injection

1 by hypodermic needle, solutions or powder added to food or
2 by mouth, intracardiac injection only on comatose animals
3 by hypodermic needle, ~~or carbon monoxide in a commercially~~
4 ~~manufactured chamber~~; and

5 (6) properly disposing of euthanized animals after
6 verification of death.

7 (c) A euthanasia technician employed by a euthanasia agency
8 may perform euthanasia by the administration of a Schedule II
9 or Schedule III nonnarcotic controlled substance. A euthanasia
10 technician may not personally possess, order, or administer a
11 controlled substance except as an agent of the euthanasia
12 agency.

13 (d) Upon termination from a euthanasia agency, a euthanasia
14 technician shall not perform animal euthanasia until he or she
15 is employed by another certified euthanasia agency.

16 (e) A certified euthanasia technician or an instructor in
17 an approved course does not engage in the practice of
18 veterinary medicine when performing duties set forth in this
19 Act.

20 (f) Notwithstanding any other rulemaking authority that
21 may exist, neither the Governor nor any agency or agency head
22 under the jurisdiction of the Governor has any authority to
23 make or promulgate rules to implement or enforce the provisions
24 of this amendatory Act of the 95th General Assembly. If,
25 however, the Governor believes that rules are necessary to
26 implement or enforce the provisions of this amendatory Act of

1 the 95th General Assembly, the Governor may suggest rules to
2 the General Assembly by filing them with the Clerk of the House
3 and Secretary of the Senate and by requesting that the General
4 Assembly authorize such rulemaking by law, enact those
5 suggested rules into law, or take any other appropriate action
6 in the General Assembly's discretion. Nothing contained in this
7 amendatory Act of the 95th General Assembly shall be
8 interpreted to grant rulemaking authority under any other
9 Illinois statute where such authority is not otherwise
10 explicitly given. For the purposes of this amendatory Act of
11 the 95th General Assembly, "rules" is given the meaning
12 contained in Section 1-70 of the Illinois Administrative
13 Procedure Act, and "agency" and "agency head" are given the
14 meanings contained in Sections 1-20 and 1-25 of the Illinois
15 Administrative Procedure Act to the extent that such
16 definitions apply to agencies or agency heads under the
17 jurisdiction of the Governor.

18 (Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

19 (510 ILCS 72/36 new)

20 Sec. 36. Certificate issuance restrictions. The Department
21 shall not issue a certificate to any individual convicted in
22 Illinois of a forcible felony, a felony violation of the Humane
23 Care for Animals Act, a felony violation of Article 24 of the
24 Criminal Code of 1961, a felony violation of Class 3 or higher
25 of the Cannabis Control Act, a felony violation of Class 2 or

1 higher of the Methamphetamine Control and Community Prevention
2 Act, or any violation of Section 12-35 or 26-5 of the Criminal
3 Code of 1961, or convicted in another jurisdiction of the
4 United States of an offense substantially similar to any of the
5 specified Illinois offenses.

6 (510 ILCS 72/57)

7 Sec. 57. Procedures for euthanasia.

8 (a) Only euthanasia drugs ~~and commercially compressed~~
9 ~~carbon monoxide, subject to the limitations imposed under~~
10 ~~subsection (b) of this Section,~~ shall be used for the purpose
11 of humanely euthanizing injured, sick, homeless, or unwanted
12 companion animals in an animal shelter or an animal control
13 facility licensed under the Illinois Animal Welfare Act, except
14 that a licensed veterinarian may euthanize companion animals in
15 such a shelter or facility by the use of carbon monoxide if the
16 veterinarian complies with the requirements set forth in
17 Section 3.09 of the Humane Care for Animals Act.

18 (b) (Blank). ~~Commercially compressed carbon monoxide may~~
19 ~~be used as a permitted method of euthanasia provided that it is~~
20 ~~performed in a commercially manufactured chamber pursuant to~~
21 ~~the guidelines set forth in the most recent report of the AVMA~~
22 ~~Panel on Euthanasia. A chamber that is designed to euthanize~~
23 ~~more than one animal at a time must be equipped with~~
24 ~~independent sections or cages to separate incompatible~~
25 ~~animals. The interior of the chamber must be well lit and~~

~~equipped with view ports, a regulator, and a flow meter.
Monitoring equipment must be used at all times during the
operation. Animals that are under 4 months of age, old,
injured, or sick may not be euthanized by carbon monoxide.
Animals shall remain in the chamber and be exposed for a
minimum of 20 minutes. Staff members shall be fully notified of
potential health risks.~~

(c) ~~Animals cannot be transported beyond State lines for
the sole purpose of euthanasia unless the euthanasia methods
comply with subsection (a) or (b) of this Section and the
euthanasia is performed by a certified euthanasia technician.~~

(Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

(510 ILCS 72/65)

Sec. 65. Refused issuance, suspension, or revocation of
certification. The Department shall refuse to renew or shall
revoke a euthanasia technician certification and may impose a
fine not to exceed \$1,000 for a certified euthanasia technician
for any one or combination of the following reasons, each of
which is a violation of the Act:

(1) Failing to carry out any of the following duties of a
euthanasia technician:

(A) scanning for microchips or other identification
prior to euthanasia;

(B) maintaining the security of all controlled
substances and drugs;

1 (C) humanely euthanizing animals by intravenous
2 injection by hypodermic needle, intraperitoneal injection
3 by hypodermic needle, solutions or powder added to food or
4 by mouth, intracardiac injection only on comatose animals
5 by hypodermic needle; or

6 (D) verification of death by using a cardiac puncture
7 or stethoscope or by recognizing the signs of rigor mortis.

8 (2) Abusing the use of any controlled or illegal chemical
9 substance.

10 (3) Selling, stealing, or giving controlled or illegal
11 chemical substances away.

12 (4) Abetting anyone in the activities listed in this
13 Section.

14 (5) Violating any provision of the Illinois Animal Welfare
15 Act, the Illinois Humane Care for Animals Act, or the Illinois
16 Controlled Substances Act.

17 (6) Acting as a euthanasia technician outside of the scope
18 of his or her employment with a certified euthanasia agency or
19 while not employed by a certified euthanasia agency. The
20 Department may refuse to issue, renew, or restore a
21 certification or may revoke or suspend a certification, or
22 place on probation, reprimand, impose a fine not to exceed
23 \$1,000 for each violation, or take other disciplinary action as
24 the Department may deem proper with regard to a certified
25 euthanasia agency or a certified euthanasia technician for any
26 one or combination of the following reasons:

1 ~~(1) failing to carry out the duties of a euthanasia~~
2 ~~technician;~~

3 ~~(2) abusing the use of any chemical substance;~~

4 ~~(3) selling, stealing, or giving chemical substances~~
5 ~~away;~~

6 ~~(4) abetting anyone in the activities listed in this~~
7 ~~subsection; or~~

8 ~~(5) violating any provision of this Act, the Illinois~~
9 ~~Controlled Substances Act, the rules adopted under these~~
10 ~~Acts or any rules adopted by the Department of Professional~~
11 ~~Regulation concerning the euthanizing of animals.~~

12 (Source: P.A. 92-449, eff. 1-1-02.)

13 (510 ILCS 72/66 new)

14 Sec. 66. Refused issuance or revocation of euthanasia
15 agency certification. The Department shall refuse to renew or
16 shall revoke a euthanasia agency's certification and may impose
17 a fine not to exceed \$1,000 for any one of the following
18 reasons, each of which is a violation of the Act:

19 (1) Knowingly or willfully allowing a euthanasia
20 technician to perform any of the actions described in Section
21 65 of this Act.

22 (2) Failing to maintain the security of all controlled
23 substances and drugs.

24 (3) Allowing euthanasia to be performed by an individual
25 other than a certified euthanasia technician, a licensed

1 veterinarian, or an instructor.

2 (4) Failing to comply with the requirements of the Illinois
3 Food, Drug and Cosmetic Act; federal Food, Drug and Cosmetic
4 Act; federal Controlled Substances Act; or the Illinois
5 Controlled Substances Act.

6 (510 ILCS 72/90)

7 Sec. 90. Uncertified practice; civil penalty.

8 (a) A person who practices, offers to practice, attempts to
9 practice, or holds himself or herself out as a certified
10 euthanasia technician or a certified euthanasia agency without
11 being certified under this Act shall, in addition to any other
12 penalty provided by law, pay a civil penalty to the Department
13 in an amount not to exceed \$5,000 for each offense as
14 determined by the Department. The civil penalty shall be
15 assessed by the Department after a hearing is held in
16 accordance with the provisions set forth in this Act regarding
17 the provision of a hearing for the discipline of a certified
18 euthanasia technician or a certified euthanasia agency. The
19 civil penalty must be paid within 60 days after the effective
20 date of the order imposing the civil penalty. The order shall
21 constitute a judgment and may be filed and executed in the same
22 manner as any judgment from any court of record.

23 (b) The Department may investigate any uncertified
24 activity.

25 (c) Instructors or licensed veterinarians teaching humane

1 euthanasia techniques are exempt from the certification
2 process so long as they are currently licensed by another state
3 as a euthanasia technician or as a veterinarian.

4 (Source: P.A. 92-449, eff. 1-1-02.)

5 (510 ILCS 72/91 new)

6 Sec. 91. Criminal penalties. An individual, an agency, or a
7 technician who is found to have violated any one of the
8 following provisions of this Act is guilty of a Class A
9 misdemeanor:

10 (1) Euthanasia technician. Any violation of Section
11 65.

12 (2) Euthanasia agency. An administrator, a director, a
13 manager, or a supervisor of a euthanasia agency who
14 knowingly or willfully violates Section 66.

15 (3) Personal. Any person who practices, offers to
16 practice, attempts to practice, or holds himself, herself,
17 or itself out as a certified euthanasia technician or a
18 certified euthanasia agency without being certified under
19 this Act.

20 On conviction of a second or subsequent offense, the
21 violation is guilty of a Class 4 felony. The Department shall
22 refer any alleged violation of these provisions for the purpose
23 of criminal investigation and prosecution to local law
24 enforcement or the Illinois State Police and to the State's
25 Attorney in the county within which the violation occurred.

1 The Department shall also refer any information it receives
2 that appears to violate the Humane Care for Animals Act for
3 criminal investigation and prosecution to the Illinois State
4 Police and to the State's Attorney in the county within which
5 the violation occurred.

6 (510 ILCS 72/165 rep.)

7 Section 15. The Humane Euthanasia in Animal Shelters Act is
8 amended by repealing Section 165.